

EXHIBIT F

Deposition of Stephen Paul Petrie, Ph.D.

SORENSEN, et al. vs. LEXAR MEDIA, INC., et al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

JENS ERIK SORENSEN, as TRUSTEE
OF SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff,

- vs -

No. 08-CV-00095 JW

LEXAR MEDIA, INC., a Delaware
corporation; and DOES 1 - 100,

Defendants.

AND ALL RELATED COUNTERCLAIMS.

VIDEO DEPOSITION OF STEPHEN PAUL PETRIE, Ph.D.

June 4, 2008

Reported by: LYNN PENFIELD, CSR No. 8589, RPR

1 I N D E X

2

3 THE WITNESS: EXAMINATION

4 STEPHEN PAUL PETRIE, PH.D.

5 BY MR. KUDLAC: 9

6 E X H I B I T S

7

8 DEPOSITION EXHIBIT: PAGE

9 1 An 18-page copy of the Summary 10

10 of the Activities and

11 Qualifications of Dr. Stephen

12 Paul Petrie, Professor

13 2 A 56-page copy of the 28

14 Declaration of Dr. Stephen P.

15 Petrie in Support of Turn-Key's

16 Opposition to Plaintiffs'

17 Motion for Summary Judgment of

18 Non-Infringement or Invalidity

19 in the Koito Manufacturing Co.

20 versus Turn-Key-Tech case

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1	3	A 10-page copy of the	30
2		Declaration of Dr. Stephen P.	
3		Petrie in Support of Turn-Key's	
4		Motion for Summary Judgment of	
5		Infringement in the Federal	
6		Mogul Corp. versus	
7		Turn-Key-Tech case	
8	4	A 14-page copy of the	31
9		Declaration of Dr. Stephen P.	
10		Petrie in Support of Turn-Key's	
11		Motion for Summary Judgment on	
12		Liability for Infringement in	
13		the Turn-Key-Tech versus	
14		Daimler Chrysler Corporation	
15		case	
16	5	A 31-page copy of the	63
17		Declaration of Stephen Petrie,	
18		Ph.D. in Support of Plaintiff's	
19		Amended Motion for Application	
20		of 35 U.S.C. section 295	
21		Presumption of Infringement	
22			
23			
24			
25			

1	6	A 12-page copy of United States	66
2		Patent 4,935,184, Sorensen,	
3		Stabilized Injection Molding	
4		When Using a Common Mold Part	
5		with Separate Complimentary	
6		Mold Parts, FW002 through 13	
7	7	A 1-page copy of a D-5493	102
8		drawing of a Lexar Media	
9		JumpDrive, 128MB	
10	8	A 1-page copy of a D-sized	103
11		drawing of D-5493, a Lexar	
12		Media JumpDrive 128MB	
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1 APPEARANCES

2

3 FOR THE PLAINTIFF:

4 LAW OFFICES OF J. MICHAEL KALER

5 BY: J. MICHAEL KALER, ESQ.

6 9930 Mesa Rim Road, Suite 200

7 San Diego, California 92121

8 (858) 362-3151

9 michael@kalerlaw.com

10 FOR THE DEFENDANTS:

11 WEIL, GOTSHAL & MANGES LLP

12 BY: KEVIN KUDLAC, P.C., ESQ.

13 8911 Capital of Texas Highway

14 Building One, Suite 1350

15 Austin, Texas 78759

16 (512) 349-1885; FAX (512) 527-0798

17 kevin.kudlac@weil.com

18 VIDEO RECORDING SERVICES PROVIDED BY:

19 JORDAN MEDIA GROUP, INC.

20 BY: ALAN PEAK

21 1228 Madison Avenue

22 San Diego, California 92116

23 (619) 299-5040

24 ALSO PRESENT:

25 JENS ERIK SORENSEN

1 VIDEO DEPOSITION OF STEPHEN PAUL PETRIE, Ph.D.
2 taken by Defendants at 9930 Mesa Rim Road, Suite 200,
3 San Diego, California 92121, commencing on Wednesday,
4 June 4, 2008, at 9:33 a.m. before Lynn Penfield,
5 Certified Shorthand Reporter, Registered Professional
6 Reporter.

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09:35:43 1 San Diego, California June 4th, 2008 9:35 a.m.

09:35:55 2 THE VIDEO OPERATOR: This is the deposition of
09:35:57 3 Stephen Petrie being taken on behalf of defendants in
09:36:01 4 the matter Jens Erik Sorensen, et al., versus Lexar
09:36:07 5 Media, Inc., et al., in the U.S. District Court of the
09:36:11 6 Northern District of California, case No. 08-CV-00095.
09:36:17 7 This deposition is being held in the offices of
09:36:21 8 J. Michael Kaler at 9930 Mesa Rim Road in San Diego,
09:36:27 9 California on June 4, 2008, at 9:36 a.m.

09:36:33 10 My name is Alan Peak with the firm Jordan
09:36:35 11 Media, Inc., 1228 Madison Avenue in San Diego,
09:36:39 12 California, and I'm the legal video specialist. The
09:36:42 13 certified shorthand reporter is Lynn Penfield with
09:36:46 14 Kramm & Associates, Inc., 2224 Third Avenue in San
09:36:47 15 Diego.

09:36:48 16 Will counsel please state their appearances for
09:36:50 17 the record.

09:36:51 18 MR. KALER: I'm Michael Kaler. I represent the
09:36:55 19 Sorensen Research and Development Trust and Jens Erik
09:37:00 20 Sorensen, the plaintiffs in the present instance.

09:37:02 21 MR. KUDLAC: Kevin Kudlac from Weil, Gotshal &
09:37:03 22 Manges here on behalf of Lexar Media, Inc.

09:37:08 23 THE VIDEO OPERATOR: And the witness may now be
09:37:08 24 sworn.

09:37:09 25 (The witness was duly sworn.)

09:37:21 1 THE WITNESS: I do, so help me God.

09:37:23 2 MR. KALER: Okay. Before we actually start

09:37:24 3 with questioning, there is the issue of videography.

09:37:27 4 The Federal Rules of Civil Procedure require that

09:37:30 5 recording by videography or any other particular

09:37:33 6 recording mechanism be included in prior notice. There

09:37:36 7 was nothing in our communications to indicate that the

09:37:41 8 deposing party intended to videotape this deposition.

09:37:46 9 Not wanting to repeat the deposition, I've

09:37:49 10 discussed with opposing counsel and it's my

09:37:53 11 understanding that we can stipulate to allow the

09:37:56 12 videotaping to go forward, but that the video recording

09:38:02 13 of the deposition will be treated as sealed and not

09:38:07 14 distributed or made available to anyone other than the

09:38:09 15 parties in this case until at some time in the future

09:38:13 16 when a Court rules on whether the videotape shall be

09:38:18 17 allowed as evidence in this matter.

09:38:23 18 Is that so stipulated?

09:38:25 19 MR. KUDLAC: That's fine.

09:38:26 20 MR. KALER: Okay.

09:38:26 21

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09:38:26 1 STEPHEN PAUL PETRIE, Ph.D.,
09:38:26 2 having been first duly sworn, testified as follows:
09:38:26 3
09:38:26 4 EXAMINATION
09:38:28 5 BY MR. KUDLAC:
09:38:28 6 Q. Good morning, sir.
09:38:29 7 A. Good morning.
09:38:30 8 Q. My name is Kevin Kudlac, and I represent Lexar
09:38:33 9 Media in this case.
09:38:35 10 Would you tell us your full name.
09:38:37 11 A. Stephen Paul Petrie.
09:38:39 12 Q. Where are you from?
09:38:41 13 A. Ipswich, Massachusetts.
09:38:43 14 Q. Would you tell us a little bit about your
09:38:45 15 education.
09:38:48 16 A. I graduated from high school in 1962, from
09:38:56 17 Lowell High School in Lowell, Massachusetts. I got a
09:39:01 18 Bachelor of Science degree in textile chemistry in 1967
09:39:06 19 from Lowell Technological Institute. I received a
09:39:10 20 Master of Science in textile chemistry from Lowell
09:39:13 21 Technological Institute in 1968; and I obtained a Ph.D.
09:39:20 22 in polymer science: -- excuse me -- Materials Science:
09:39:28 23 Polymer science in 1977 from the University of
09:39:31 24 Connecticut in Storrs, Connecticut.
09:39:35 25 Q. Did the Lowell Institute of Technology go on to

09:39:39 1 become the University of Massachusetts at Lowell?

09:39:41 2 A. I believe the title is "University of
09:39:44 3 Massachusetts Lowell."

09:39:47 4 Q. Sorry. I added the "at," didn't I?

09:39:51 5 Did -- is it -- so that Institute of Technology
09:39:53 6 where you got your degrees later became UMass Lowell, if
09:39:58 7 you will?

09:39:59 8 A. Yes.

09:39:59 9 Q. That was sort of the progression then?

09:40:02 10 A. Not exactly.

09:40:04 11 Q. Was there something in between?

09:40:06 12 A. Yes.

09:40:06 13 Q. What was that?

09:40:08 14 A. University of Lowell.

09:40:09 15 Q. I see.

09:40:14 16 MR. KUDLAC: I'm going to ask the court
09:40:15 17 reporter to mark as Defendant's Exhibit 1, or however
09:40:26 18 she's got them marked.

09:40:28 19 (Exhibit 1 was marked for identification.)

09:40:31 20 BY MR. KUDLAC:

09:40:32 21 Q. Marked as Exhibit 1, a document entitled
09:40:35 22 "Summary of the Activities and Qualifications of
09:40:38 23 Dr. Stephen Paul Petrie, Professor."

09:40:42 24 Do you recognize Exhibit 1?

09:40:44 25 A. Yes.

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09:40:45 1 Q. And is that your CV or curriculum vitae?

09:40:50 2 A. Yes, sir.

09:40:50 3 Q. Is that your most current curriculum vitae?

09:40:54 4 A. No, sir.

09:40:56 5 Q. When did you -- when did you prepare a more

09:41:00 6 recent version?

09:41:01 7 A. I think this week.

09:41:02 8 Q. I see. Would you happen to have a copy with

09:41:06 9 you?

09:41:06 10 A. No, sir.

09:41:10 11 MR. KALER: I would be prepared to stipulate

09:41:11 12 that as soon as Mr. Petrie provides it to me, I can

09:41:16 13 forward a copy of the updated CV to you.

09:41:23 14 MR. KUDLAC: I'd appreciate it, but not a

09:41:24 15 problem.

09:41:24 16 Q. When you were preparing your most recent

09:41:26 17 version of your CV, did you notice any errors in the

09:41:29 18 prior version?

09:41:32 19 A. No, sir.

09:41:43 20 Q. Beginning with any employment you had while you

09:41:44 21 were going to undergraduate or graduate school,

09:41:48 22 whichever employment came first, would you tell me a

09:41:50 23 little bit about your employment history.

09:42:03 24 A. When I was going to college -- this is

09:42:09 25 undergraduate school -- I worked at the Robinson Yarn

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09:42:12 1 Dye Works in Lowell, Massachusetts, and I worked both in
09:42:19 2 the plant and in the laboratory, and I continued with
09:42:27 3 that until I got my Master's degree; and then after
09:42:34 4 that, I went to work for the Heminway and Bartlett
09:42:39 5 Manufacturing Company in Watertown, Connecticut, and I
09:42:44 6 worked there until 1974, at which time I went back to
09:42:53 7 graduate school to get my Ph.D.

09:42:57 8 After I got out of graduate school with a
09:42:59 9 Ph.D., I started teaching at Southeastern Massachusetts
09:43:06 10 University, okay, and that later became the University
09:43:11 11 of Massachusetts Dartmouth, so it's one of our sister
09:43:17 12 institutions. I worked there for two years, and then I
09:43:21 13 transferred to the University of Lowell, which is now
09:43:24 14 the University of Massachusetts Lowell, and I've been
09:43:28 15 there ever since.

09:43:30 16 During my tenure at the University of
09:43:33 17 Massachusetts Lowell, I worked for the Army Materials
09:43:37 18 and Mechanics Research Center in Watertown,
09:43:40 19 Massachusetts, I think for 14 or 16 years until they
09:43:47 20 closed the place as part of the BRAC, okay, Base
09:43:53 21 Reorganization and Closing, government acronym.

09:43:58 22 Q. Got to have an acronym, right?

09:44:00 23 A. And I started my own company, Materials
09:44:02 24 Research Laboratories, Incorporated x-number of years
09:44:06 25 ago, and I have done my consulting under that company

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09:44:12 1 right up to the present.

09:44:14 2 Q. Is the -- I will wait while -- there is a plane
09:44:19 3 flying overhead.

09:44:20 4 MR. KALER: We are in the flight path for the
09:44:22 5 local Marine air base, so we get a lot of those.

09:44:28 6 MR. KUDLAC: Excellent.

09:44:30 7 Q. Is the -- your work at -- Materials Research
09:44:34 8 Lab, that's your company?

09:44:36 9 A. Yes.

09:44:36 10 Q. Okay. Is that work that you've been doing
09:44:38 11 since you founded it, is that listed in Exhibit 1?

09:44:52 12 A. No, it doesn't appear to be.

09:44:54 13 Q. Okay. And the reference to the U.S. Army
09:45:02 14 research lab that you made reference to, is that listed
09:45:05 15 on page 3 of Exhibit 1?

09:45:08 16 A. Yes, it is, sir.

09:45:09 17 Q. Okay.

09:45:11 18 A. They changed the name of that place a couple of
09:45:13 19 times while I worked there too.

09:45:15 20 Q. I suppose that's not surprising.

09:45:18 21 Can you -- is the -- well, if you would, would
09:45:23 22 you briefly describe what work you did for the U.S. Army
09:45:28 23 base that you worked for.

09:45:30 24 A. It was basically materials engineering. In
09:45:36 25 layman's terms, we used to make them and break them.

09:45:39 1 And because I worked for the Army, the threats were
09:45:46 2 ballistic and tectonic in nature, so we used to shoot
09:45:50 3 holes in the plastic and blow them up.

09:45:53 4 Q. So the things that you were making and
09:45:55 5 breaking, what were they?

09:45:58 6 A. Mostly armor, and a lot of it was transparent
09:46:02 7 armor; for example, a face shield for somebody that
09:46:07 8 would be driving a Humvee or it could be transparent
09:46:15 9 blocks for tanks.

09:46:27 10 Q. If you would turn to pages numbered 1 and 2 of
09:46:30 11 Exhibit 1, your CV, do you see on page 1 towards the
09:46:35 12 bottom it lists "professor" at the Plastics Engineering
09:46:41 13 Department, University of Massachusetts Lowell; and then
09:46:44 14 on the next page it lists "instructor," Continuing
09:46:47 15 Education, University of Massachusetts Lowell?

09:46:50 16 A. Yes.

09:46:51 17 Q. Do you see those two?

09:46:53 18 A. Yes.

09:46:53 19 Q. Can you tell me what the difference is between
09:46:55 20 the professor role and the instructor role?

09:47:05 21 A. Excuse me. This thing came unstuck --

09:47:08 22 Q. I'm sorry about that.

09:47:09 23 A. -- so I will put it back on.

09:47:11 24 Q. Thank you.

09:47:12 25 A. The difference is that these are two separate

09:47:16 1 entities. The University of Massachusetts Lowell is run
09:47:23 2 by the Commonwealth of Massachusetts, and it's a
09:47:30 3 State-funded educational institution for higher
09:47:37 4 learning. Continuing Education is a quasi-State
09:47:46 5 institution that isn't funded by the Commonwealth of
09:47:51 6 Massachusetts.

09:47:55 7 So, in layman's terms, if you were a student at
09:47:59 8 the University of Massachusetts Lowell, you would be
09:48:03 9 paying a lesser tuition to study there because it was
09:48:11 10 partially State supported than you were if you were
09:48:14 11 going to -- this is typically called night school --
09:48:16 12 where you would be paying a higher tuition because it
09:48:19 13 isn't funded.

09:48:20 14 Q. The "this is typically called night school,"
09:48:22 15 you're referring to the Continuing Education aspect of
09:48:25 16 the University of Massachusetts Lowell?

09:48:28 17 A. Yes. And at one time it was free. So this was
09:48:36 18 set up to try and help people that worked in the local
09:48:44 19 industry get training in areas such as drafting and
09:48:45 20 other technical studies, so it was basically to try to
09:48:51 21 get a better trained work force.

09:48:55 22 Q. Does that mean you were employed at two
09:48:57 23 different places that pay you from the University of
09:49:00 24 Massachusetts Lowell, or is it just you do work in sort
09:49:03 25 of two different aspects of things?

09:49:04 1 A. Well, again, I'm just a professor. So I'm
09:49:11 2 really not sure of how they work this, but under the
09:49:13 3 laws of the Commonwealth, we can only get one check from
09:49:17 4 the Commonwealth. So what they do is they pay us
09:49:21 5 through the University of Massachusetts Lowell so the
09:49:25 6 money gets paid to me as a salary. The taxes are taken
09:49:31 7 out of it, my retirement's taken out of it, and whatever
09:49:36 8 other things like health insurance, whatever.

09:49:38 9 Q. Got it.

09:49:44 10 Since the time you received your Ph.D., have
09:49:49 11 you taken any further coursework, done any further
09:49:52 12 studying?

09:49:55 13 A. Yes. As a matter of fact, every time I get a
09:50:00 14 chance that I can take a course, I try and do so. And
09:50:04 15 if you take a look on page 16, it says, "Other Studies
09:50:09 16 and Interests." You know, this is a list of some of the
09:50:14 17 other courses that I've taken, and most of these have
09:50:17 18 been back between the -- when I started in 1979 up until
09:50:25 19 1993. I almost took another course last year, but I
09:50:31 20 couldn't schedule it.

09:50:34 21 Q. Between, say, 2002 and today, have you taken
09:50:38 22 any further coursework or studies?

09:50:48 23 A. Not to my knowledge.

09:50:50 24 Q. Since you referred me to page 16 of your CV,
09:50:55 25 which is Exhibit 1, let me ask you to turn back to

09:50:57 1 page 15, since we're close by there.

09:51:01 2 A. Yes.

09:51:02 3 Q. And on that page, it lists "Membership in
09:51:06 4 Professional Societies," and the list actually continues
09:51:08 5 on to page 16 if you need to look at it.

09:51:11 6 Are you currently a member of any professional
09:51:15 7 societies?

09:51:16 8 A. No.

09:51:23 9 Q. And for the professional societies that you
09:51:25 10 list on pages 15 and 16 of your CV, which is Exhibit 1,
09:51:30 11 I see that they all say "Former member."

09:51:34 12 Do you have any recollection of the time frames
09:51:37 13 that you belonged to any of these professional societies
09:51:40 14 that are listed on pages 15 and 16?

09:51:48 15 A. This would be very hard to reconstruct.

09:51:51 16 Q. Fair enough. Can you tell me why you are a
09:51:55 17 former member of these? Was there something that
09:51:58 18 happened that you decided you didn't want to be a member
09:52:01 19 anymore?

09:52:02 20 A. Well, to give you an example, if you take a
09:52:10 21 look at the bottom of page 15, I'm a former member of
09:52:17 22 the American Association of Textile Chemists and
09:52:18 23 Colorists.

09:52:22 24 I started as just a member when I was a student
09:52:25 25 in school, and then I was chairman of the Western

09:52:29 1 New England Section; and after that, I left the industry
09:52:34 2 to go back to graduate school, so that would have been
09:52:37 3 in 1974-75 circa, and I've only had a couple of cases
09:52:47 4 since then that I have done any work with textiles.
09:52:50 5 After that basically I've done mostly plastics, so there
09:52:55 6 was no need to belong to that.

09:52:58 7 Q. So the first one that's listed under
09:53:00 8 "Professional Societies," The Society of Plastics
09:53:04 9 Engineers --

09:53:06 10 A. Right.

09:53:06 11 Q. -- SPE --

09:53:06 12 A. Yes.

09:53:07 13 Q. -- can you tell me when you were a member of
09:53:09 14 that society.

09:53:10 15 A. Not exactly, but when I started working at
09:53:20 16 Lowell, they wanted me to be the advisor for the student
09:53:25 17 chapter, and I guess the scheme of things was to get a
09:53:32 18 lot of activities on your resume so you could get
09:53:36 19 tenure.

09:53:37 20 And one year I was told by another faculty
09:53:43 21 member that he had just been appointed advisor for the
09:53:49 22 student chapter, unbeknownst to me; and if I wasn't
09:53:55 23 going to be the advisor for the student chapter anymore,
09:53:58 24 there was no reason to belong to the association. I
09:54:01 25 still wrote papers and still presented them at meetings,

09:54:04 1 but I didn't have to be a member. So to me there was no
09:54:08 2 benefit to being a member.

09:54:21 3 Q. If I could ask you to turn to page 2 of
09:54:26 4 Exhibit 1, your CV, and on that page, towards the
09:54:30 5 bottom, there's a title, "Visiting Professor."

09:54:37 6 A. Oh, yes.

09:54:41 7 Q. And there's -- there's two entries under there,
09:54:44 8 one for Ching Hwa University in Beijing, and also the
09:54:49 9 second one for the Peking Institute of Chemical
09:54:52 10 Technology, Beijing.

09:54:54 11 Could you explain what those appointments were
09:54:57 12 for, or those positions?

09:55:02 13 A. I was asked if I would like to go to China to
09:55:11 14 teach courses, and I said yes. And one of the
09:55:17 15 professors in the department, S.J. Chan -- God bless
09:55:23 16 him; he is now deceased -- set it up with somebody in
09:55:31 17 China for me to go over and teach for a couple of weeks.

09:55:33 18 And my first stint was at Ching Hwa University,
09:55:37 19 which is a pretty famous place. It's the equivalent to
09:55:43 20 our MIT; and the second place was the Peking Institute
09:55:49 21 of Chemical Technology that I saw recently in the news.
09:55:53 22 That isn't as much on the sciency side; it's more in the
09:55:59 23 chemical engineering, so I taught courses at both of
09:56:03 24 these schools.

09:56:04 25 Q. Other than those two courses that are listed in

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09:56:06	1	your CV, have you taught any other courses in Asia?
09:56:10	2	A. In Asia?
09:56:12	3	Q. Yes.
09:56:12	4	A. No.
09:56:16	5	Q. Have you presented any papers or spoken at
09:56:19	6	conferences in Asia?
09:56:21	7	A. No.
09:56:23	8	Q. Have you toured any manufacturing facilities in
09:56:26	9	Asia?
09:56:27	10	A. Yes.
09:56:27	11	Q. When was that?
09:56:34	12	A. Back when I was at one of these universities.
09:56:37	13	I forget exactly which.
09:56:41	14	Q. So back in the 1985 time frame?
09:56:43	15	A. Yes.
09:56:44	16	Q. Was that the only time you've ever toured a
09:56:46	17	manufacturing facility in Asia?
09:56:53	18	A. Yes.
09:57:08	19	Q. Other than the time in 1985 for the two
09:57:11	20	references in your CV, have you ever as part of your
09:57:16	21	professional career any other times gone to Asia?
09:57:21	22	A. As part of my professional career?
09:57:23	23	Q. Yes, sir.
09:57:25	24	A. No.
09:57:26	25	Q. All right. Just to be clear, I wasn't asking

09:57:28 1 about whether you've gone there just to go there for
09:57:31 2 vacation, tourism, or anything like that. I wasn't
09:57:35 3 interested in that. I'm not trying to get into that
09:57:37 4 personal stuff.

09:57:38 5 A. Right.

09:57:38 6 Q. Okay. Do you have any reason to believe that
09:57:42 7 you would be denied a visa to visit China?

09:57:55 8 A. No.

09:57:55 9 Q. Do you have any reason to believe that you
09:57:57 10 would be denied a visa to visit Taiwan if you needed
09:58:03 11 one?

09:58:03 12 A. No.

09:58:04 13 Q. Do you have a valid passport?

09:58:06 14 A. Yes.

09:58:10 15 Q. Is it valid for more than three months from
09:58:13 16 now, if you remember?

09:58:16 17 A. I have no idea, sir.

09:58:20 18 Q. That's fine. I don't know how long mine is
09:58:23 19 valid for either, but sometimes people know.

09:58:44 20 Right above the "Visiting Professor" entry in
09:58:47 21 your CV, there is a line that says "On-site industrial
09:58:52 22 training programs."

09:58:54 23 Do you see that?

09:58:55 24 A. Yes.

09:58:55 25 Q. And there you list Ford, Gillette, Lucent

09:58:58 1 Technology, MaCom, and Velcro.

09:59:02 2 For any of these on-site industrial training
09:59:05 3 programs, did you prepare papers or presentation
09:59:08 4 materials or a slide show, anything like that?

09:59:12 5 A. Yes.

09:59:12 6 Q. Do you still have any of those materials?

09:59:27 7 A. Yes.

09:59:27 8 Q. Did any of those on-site industrial training
09:59:30 9 programs that you list deal with injection molding?

09:59:34 10 A. Yes.

09:59:35 11 Q. Which ones?

09:59:49 12 A. The ones at Ford, Gillette, MaCom; and I'm not
10:00:08 13 sure about Lucent Technologies and Velcro.

10:00:12 14 Q. Do you remember what aspects of injection
10:00:15 15 molding the Ford presentation or Ford industrial
10:00:20 16 training program dealt with?

10:00:24 17 A. Yes.

10:00:25 18 Q. What was that?

10:00:26 19 A. Well, at Ford I talked about injection molding,
10:00:32 20 fiber-reinforced materials and how it affected the
10:00:39 21 fracture thereof; and I also talked about injection
10:00:46 22 molding in general for making different types of parts.

10:00:56 23 Q. When you say "injection molding in general,"
10:01:01 24 that's a pretty big statement.

10:01:04 25 Was there a particular aspect of injection

10:01:05 1 molding that you were talking about, or just the whole
10:01:09 2 thing?

10:01:11 3 A. Well, if I had to classify it, I had a very
10:01:16 4 general audience, so the skill sets of the people at- --
10:01:24 5 attending the seminar were quite varied, so it went from
10:01:28 6 basically people at the mechanic level up to I think
10:01:32 7 there were engineers in the class. So it was broad and
10:01:38 8 general.

10:01:42 9 Q. Do you recall if anything in the presentation
10:01:44 10 to Ford on injection molding dealt with using a common
10:01:49 11 mold?

10:02:06 12 A. I don't remember.

10:02:11 13 Q. Can you describe for me generally what the
10:02:13 14 presentation, the on-site industrial training program
10:02:18 15 for Gillette with respect to injection molding dealt
10:02:22 16 with?

10:02:22 17 A. I've taught a number of courses at Gillette
10:02:25 18 which actually I think spans back over 10 years, and one
10:02:30 19 of these courses specifically was on injection molding,
10:02:39 20 and it was a three-credit course that was given through
10:02:47 21 Continuing Education at the University of Massachusetts
10:02:51 22 Lowell.

10:03:04 23 Q. Did anything in that Continuing Education class
10:03:07 24 deal with using a common mold in an injection molding?

10:03:19 25 A. I have a confidentiality agreement with

10:03:20 1 Gillette, and you've put me in a very bad position.

10:03:24 2 Q. I didn't mean to, as you might understand, but

10:03:27 3 I wanted to ask.

10:03:28 4 Let me just say if you think there's a

10:03:31 5 confidentiality issue and you'd like to talk to your

10:03:33 6 attorney, to Mr. Kaler about that, I would be happy to

10:03:36 7 let you go do that. I won't make you answer a question

10:03:39 8 right now. It wouldn't seem fair to me.

10:03:46 9 A. Thank you.

10:03:50 10 Q. So if you'd like to -- would you like to do

10:03:52 11 that?

10:03:53 12 A. Yes, I would, sir.

10:04:00 13 MR. KUDLAC: Let's go off the record.

10:04:00 14 THE VIDEO OPERATOR: Off the record at 10:03.

10:06:15 15 (Recess from 10:03 a.m. to 10:12 a.m.)

10:12:55 16 THE VIDEO OPERATOR: Back on the record at

10:12:56 17 10:12 a.m.

10:12:59 18 MR. KALER: Okay. While we were off the

10:13:01 19 record, I had a conference with the witness. He is

10:13:04 20 subject to a confidentiality agreement with Gillette,

10:13:08 21 and pursuant to that agreement I don't think it would be

10:13:14 22 appropriate for him to discuss the contents of anything

10:13:17 23 he discussed with Gillette without a Court order or

10:13:20 24 protective order of some type.

10:13:22 25 I doubt that it really goes to the core of what

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10:13:25 1 you wanted to do today anyway, but I think that before
10:13:30 2 you can talk about what he said to Gillette, he would
10:13:33 3 need a Court order.

10:13:34 4 MR. KUDLAC: Fair enough. That was why I
10:13:36 5 wanted you to have that conversation, and I knew we --

10:13:40 6 MR. KALER: I appreciate the courtesy.

10:13:42 7 MR. KUDLAC: I know we don't have a protective
10:13:44 8 order yet, so we may come back to that at some point
10:13:48 9 later on.

10:13:49 10 THE WITNESS: Thanks.

10:13:50 11 BY MR. KUDLAC:

10:13:50 12 Q. But I don't want to get you in trouble with
10:13:52 13 somebody else.

10:14:02 14 Does the copy of your CV that we've marked as
10:14:06 15 Exhibit 1 list the lawsuits or cases that you've been
10:14:11 16 involved in as an expert?

10:14:13 17 A. No.

10:14:30 18 Q. Have you testified before?

10:14:31 19 A. Yes.

10:14:32 20 Q. In how many different cases, if you can recall?

10:14:35 21 A. I really don't know.

10:14:38 22 MR. KALER: Just for clarification, by
10:14:39 23 "testimony" do you mean an actual court, or do you
10:14:41 24 include depositions and declarations?

10:14:43 25 MR. KUDLAC: I'm -- let me clarify that.

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10:14:45	1	Q.	Have you given a deposition before?
10:14:47	2	A.	Yes.
10:14:47	3	Q.	How many times?
10:14:49	4	A.	I don't know.
10:14:50	5	Q.	Do you think it's more than 10?
10:14:59	6	A.	It may be. I don't know.
10:15:02	7	Q.	Fair enough.
10:15:03	8		Can you tell me any of the cases that you can
10:15:05	9		recall in which you've been deposed?
10:15:17	10	A.	Yes.
10:15:17	11	Q.	Which ones -- which ones can you recall? I'm
10:15:19	12		sorry.
10:15:22	13	A.	The Turn-Key-Tech versus Koito; State of New
10:15:35	14		Hampshire versus Ross; Ferguson versus General Motors.
10:15:46	15		One of them was -- I can't remember the name of the
10:16:20	16		company, but it was versus Sylvania Shoe.
10:16:29	17		And I would have to go back and refer to my
10:16:35	18		notes to find the other ones.
10:16:37	19	Q.	That's fine.
10:16:38	20		Was the Turn-Key-Tech versus Koito a patent
10:16:42	21		infringement case?
10:16:43	22	A.	Yes.
10:16:44	23	Q.	Was the State of New Hampshire versus Ross a
10:16:48	24		patent infringement case?
10:16:50	25	A.	No.

10:16:50 1 Q. Can you briefly describe what the general
10:16:53 2 subject matter of the State of New Hampshire versus Ross
10:16:57 3 was.
10:16:58 4 A. Criminal.
10:16:59 5 Q. Was the Ferguson versus General Motors case a
10:17:02 6 patent infringement case?
10:17:04 7 A. No.
10:17:05 8 Q. What was the general subject matter of that
10:17:07 9 case?
10:17:08 10 A. Personal injury.
10:17:11 11 Q. And was the case against Sylvania Shoe a patent
10:17:16 12 infringement case?
10:17:18 13 A. No.
10:17:19 14 Q. What was the general subject matter of that
10:17:21 15 case?
10:17:22 16 A. Breach of contract.
10:17:26 17 Q. Okay. Have you ever testified in a court
10:17:28 18 hearing or trial?
10:17:30 19 A. Yes.
10:17:30 20 Q. Can you recall any of the hearings -- or the
10:17:33 21 cases that involved a hearing or trial that you've
10:17:35 22 testified in?
10:17:38 23 A. Yes.
10:17:38 24 Q. Which ones can you recall?
10:17:43 25 A. Well, there was the Turn-Key-Tech versus Koito;

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10:17:52 1 State of New Hampshire versus Ross; the Sylvania Shoe
10:17:58 2 one; and Ferguson versus General Motors; and the other
10:18:08 3 ones I can't remember their names.

10:18:10 4 Q. Were any of the other ones patent infringement
10:18:13 5 cases?

10:18:16 6 A. I really don't remember.

10:18:22 7 Q. Can you put a number -- an estimate on the
10:18:24 8 number of times you've testified at a hearing or trial?

10:18:28 9 A. Not really.

10:18:58 10 MR. KUDLAC: Can I have the court reporter mark
10:18:59 11 this as Exhibit 2.

10:19:01 12 Counsel?

10:19:22 13 (Exhibit 2 was marked for identification.)

10:19:23 14 (Discussion off the record.)

10:19:24 15 BY MR. KUDLAC:

10:19:24 16 Q. Sir, I've handed you what I've had the court
10:19:27 17 reporter mark as Exhibit 2, a document that has a title
10:19:31 18 of "Declaration of Dr. Steven P. Petrie in Support of
10:19:38 19 Turn-Tey" -- I think that should be Turn-Key's --
10:19:42 20 "Opposition to Plaintiffs' Motion for Summary Judgment
10:19:44 21 of Noninfringement or Invalidity."

10:19:48 22 A. Yes.

10:19:49 23 Q. Sir, do you recognize this document, Exhibit 2?

10:20:35 24 A. Yes.

10:20:36 25 Q. Is that a declaration that you submitted in the

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10:20:39 1 Koito Manufacturing versus Turn-Key-Tech case that was
10:20:42 2 in the Southern District of California?

10:20:47 3 A. Yes.

10:20:53 4 Q. If I could, would you turn to what is probably
10:20:57 5 the sixth or seventh page in Exhibit 2, which is
10:21:03 6 Exhibit A to the declaration, the cover page for the
10:21:07 7 "Injection Molding Handbook" by Dominick V. Rosato and
10:21:13 8 Donald D. Rosato.

10:21:17 9 Do you see that?

10:21:18 10 A. Yes.

10:21:19 11 Q. Is that a fairly famous handbook in the
10:21:22 12 injection molding world?

10:21:25 13 A. Yes.

10:21:25 14 Q. Is that something that you would ordinarily
10:21:28 15 rely on in the injection molding profession?

10:21:39 16 A. Could you repeat the question, please.

10:21:42 17 Q. Sure. Is the "Injection Molding Handbook"
10:21:44 18 that's referenced in Exhibit A something that a person
10:21:49 19 in the injection molding profession would rely on?

10:21:56 20 A. Well, I would have to opine on this matter
10:22:00 21 because I don't know for a fact, but I'd say yes.

10:22:05 22 Q. Okay. And do you know if there are more
10:22:11 23 current versions of the "Injection Molding Handbook"
10:22:12 24 than the one that's referenced in Exhibit A to
10:22:13 25 Exhibit 2?

10:22:19 1 A. Yes, I think there is one.

10:22:21 2 Q. Would that be a 2000 version?

10:22:24 3 A. That would -- I think that would be the circa.

10:22:31 4 Q. And would the same be true for the 2000 version

10:22:34 5 about that time, for the Injection Molding Handbook,

10:22:37 6 that that's a document that the people in the injection

10:22:39 7 molding profession would rely on?

10:22:44 8 A. Some people would rely on it.

10:22:46 9 Q. Would it be unreasonable to rely on it?

10:22:55 10 A. No.

10:23:09 11 Q. If you would look back at the very first page

10:23:12 12 of Exhibit 2, you see there on the left-hand side of the

10:23:15 13 page in the middle where it says, "Koito Manufacturing

10:23:21 14 Limited and North American Lighting versus

10:23:23 15 Turn-Key-Tech, LLC, and Jens Ole Sorensen," is this the

10:23:30 16 case that you referred to as Turn-Key versus Koito?

10:23:34 17 A. Yes.

10:23:34 18 Q. Okay. I wanted to make sure, because it had

10:23:36 19 the parties backwards from the way you referred to it.

10:23:50 20 MR. KUDLAC: Can we mark this as Exhibit 3.

10:24:04 21 (Exhibit 3 was marked for identification.)

10:24:05 22 BY MR. KUDLAC:

10:24:05 23 Q. Dr. Petrie, I'm handing you what I've marked as

10:24:09 24 Exhibit 3 -- I'm sorry.

10:24:11 25 Dr. Petrie, I'm handing you what the court

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10:24:13 1 reporter has marked as Exhibit 3, a document entitled,
10:24:16 2 "Declaration of Dr. Stephen P. Petrie in Support of
10:24:22 3 Turn-Key's Motion for Summary Judgment of
10:24:24 4 Infringement" --

10:24:25 5 A. Yes.

10:24:25 6 Q. -- and this is from a case entitled, "Federal
10:24:28 7 Mogul Corporation versus Turn-Key-Tech and Jens O.
10:24:33 8 Sorensen."

10:24:35 9 Do you recognize this document, Exhibit 3, sir?

10:24:59 10 A. Yes.

10:25:00 11 Q. And this is a declaration that you submitted in
10:25:03 12 the Federal Mogul Corp. versus Turn-Key-Tech case?

10:25:07 13 A. Yes.

10:25:08 14 Q. Did you -- were you deposed in the Federal
10:25:12 15 Mogul case?

10:25:13 16 A. Yes.

10:25:14 17 Q. And was that a different deposition than any of
10:25:17 18 the other ones that we referred to earlier?

10:25:21 19 A. Yes, sir, it was.

10:25:22 20 Q. Did you testify at any hearings or trials in
10:25:24 21 the Federal Mogul case?

10:25:31 22 A. I'm really not sure.

10:26:04 23 MR. KUDLAC: Can I have you mark that as
10:26:06 24 Exhibit 4, please.

10:26:15 25 (Exhibit 4 was marked for identification.)

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10:26:16 1 BY MR. KUDLAC:

10:26:16 2 Q. Dr. Petrie, I'm handing you what I've had the
10:26:19 3 court reporter mark as Exhibit 4, a document entitled,
10:26:23 4 "Declaration of Dr. Stephen Petrie in Support of
10:26:28 5 Turn-Key's Motion for Summary Judgment on Liability for
10:26:30 6 Infringement" in the case styled "Turn-Key-Tech LLC
10:26:34 7 versus Daimler Chrysler Corporation."

10:26:37 8 Sir, do you recognize Exhibit 4?

10:27:23 9 A. Yes.

10:27:24 10 Q. And is Exhibit 4 a declaration that you
10:27:26 11 submitted in the Turn-Key-Tech versus Daimler Chrysler
10:27:29 12 Corporation case?

10:27:31 13 A. Yes.

10:27:31 14 Q. And that was a patent infringement case; is
10:27:33 15 that right?

10:27:34 16 A. That's correct.

10:27:34 17 Q. In the course of that patent infringement case,
10:27:38 18 the Turn-Key-Tech versus Daimler Chrysler Corporation,
10:27:41 19 did you inspect any molds that were used to fabricate or
10:27:44 20 manufacture the accused product?

10:27:54 21 A. To the best of my knowledge, no.

10:27:55 22 Q. Did you inspect any manufacturing facilities in
10:27:57 23 that case, the Turn-Key-Tech versus Daimler Chrysler
10:28:01 24 Corporation?

10:28:02 25 A. To the best of my knowledge, no.

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10:28:25 1 Q. Since the U.S. Army base that we referred to
10:28:28 2 earlier closed I think it was in 1996, have you done any
10:28:33 3 work in industry other than your consulting company that
10:28:40 4 you formed?

10:28:57 5 A. Yes.

10:28:57 6 Q. Can you describe that for me.

10:29:28 7 A. I did some work for a company in Connecticut
10:29:33 8 that was a contractor for the United States Government,
10:29:39 9 and basically it was on laminates used by the Navy.

10:30:01 10 Q. Did that work involve injection molding in any
10:30:04 11 way?

10:30:06 12 A. No.

10:30:13 13 Q. Any other industry work since the time of the
10:30:15 14 base closure?

10:30:20 15 A. That wasn't part of my corporation?

10:30:24 16 Q. That's right.

10:30:41 17 A. I'm not sure.

10:30:42 18 Q. Fair enough.

10:30:44 19 Has -- since the time of the base closure in
10:30:47 20 1996, the work that you've done as part of your
10:30:53 21 operation, has any of that involved injection molding?

10:30:56 22 A. Yes.

10:30:57 23 Q. In what way?

10:30:58 24 A. I've worked on injection molding problems for
10:31:01 25 companies.

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10:31:02 1 Q. Have any of those injection molding problems
10:31:06 2 involved the use of a common mold?

10:31:31 3 A. Yes.

10:31:33 4 Q. And can you tell me for which companies or
10:31:35 5 which work that your corporation has done that involved
10:31:40 6 the use of common molds in injection molding.

10:31:43 7 A. Well, as evidenced by these depositions,
10:31:47 8 Turn-Key-Tech.

10:31:57 9 Q. Was that actually doing work where you were
10:32:00 10 making products used by -- that used a common mold?

10:32:08 11 A. Well, it was in the analysis of molded
10:32:13 12 products; actually, molded samples.

10:32:23 13 Q. Is the work that you did for Turn-Key-Tech, was
10:32:26 14 that all consulting work for lawsuits, or potential
10:32:29 15 lawsuits?

10:32:36 16 A. Probably.

10:32:37 17 Q. And can you recall any work that you've done
10:32:41 18 for your corporation involving injection molding and
10:32:45 19 common molds that did not -- that was not connected to a
10:32:49 20 lawsuit?

10:32:58 21 A. No, but I did another one -- well, the answer
10:33:02 22 to your question -- can you reword the question, please.

10:33:05 23 Q. I'll reask what I think was the question, or
10:33:07 24 something close to it.

10:33:09 25 A. Well, we can have the court reporter read it

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10:33:11 1 back.

10:33:11 2 Q. It wasn't clear the first time to you so I'll

10:33:15 3 try again --

10:33:14 4 A. All right.

10:33:22 5 Q. -- and maybe I will get it better this time.

10:33:24 6 In connection with your work for your

10:33:24 7 corporation, can you -- let's just put a name to it. I

10:33:26 8 don't remember what the name of it was.

10:33:28 9 A. Materials Research Lab, Incorporated.

10:33:34 10 Q. Materials --

10:33:34 11 A. You can call it MRL, Inc.

10:33:39 12 Q. MRL, Inc.? That's what I'll call it.

10:33:42 13 In connection with your work for MRL, Inc., has

10:33:42 14 any of the injection molding work that involved a common

10:33:42 15 mold that you did for MRL, Inc., did any of that not

10:33:44 16 involve a lawsuit?

10:33:53 17 A. To the best of my knowledge, no.

10:33:56 18 Q. In connection with your work for MRL, Inc., has

10:34:00 19 any of the injection molding work, regardless of whether

10:34:04 20 it involved a common mold, did any of your injection

10:34:08 21 molding work for MRL, Inc., not involve a lawsuit?

10:34:13 22 A. Yes.

10:34:13 23 Q. Can you describe that work for me.

10:34:16 24 A. I worked on a problem with snap fittings, and

10:34:26 25 the snap fittings were breaking when they were strained.

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10:34:31 1 And we did some short shots and analyzed the short shots
10:34:39 2 with a polariscope and found that they contained large
10:34:45 3 stresses, and I recommended that they do some mold
10:34:50 4 modification; and the mold was modified and the problem
10:34:55 5 went away.

10:34:58 6 Q. Did the mold modification that you recommended
10:35:01 7 involve changing to using a common mold?

10:35:06 8 A. No.

10:35:07 9 Q. What kind of products were involved that had
10:35:10 10 these snap fittings that you referred to?

10:35:15 11 A. There would be clothes hangers, but very
10:35:22 12 inexpensive ones; for instance, like you would find in
10:35:26 13 the dollar store.

10:35:33 14 Q. With two children, I'm very familiar with the
10:35:36 15 dollar store.

10:35:37 16 What's a polariscope?

10:35:40 17 A. Polariscope is -- that's my -- two crossed
10:35:47 18 poles.

10:35:50 19 Q. And in what way did you use that to examine
10:35:54 20 these products?

10:35:56 21 A. Well, if you orient your injection-molded piece
10:36:01 22 part in a certain direction, you can take a look at
10:36:05 23 extensions in the clear material, and the rise in the
10:36:14 24 double refraction is due to one of three things: It can
10:36:20 25 be due to crystallinity, which we don't have, because

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10:36:25 1 this was an amorphous material; or it can be due to
10:36:29 2 orientation; and it could be due to stress or what I
10:36:32 3 consider strain, and they call it a strain
10:36:36 4 birefringence, so if there were residual stresses in the
10:36:41 5 part, you can take a look at the patent and, as you
10:36:44 6 modify the mold, you'll see a reduction in these
10:36:48 7 stresses, which means you are getting a more stress-free
10:36:51 8 part. So it's an experimental method of stress
10:36:56 9 analysis.

10:36:57 10 Q. You referred to short shots.

10:36:59 11 What's a short shot?

10:37:02 12 A. For instance, if we were going to mold a part
10:37:08 13 that had a total shot of 1 ounce, what we would do would
10:37:17 14 be, for instance, to take shots in successive increments
10:37:22 15 of perhaps maybe an eighth of an ounce each, so we would
10:37:27 16 have an eighth, two-eighths, three-eighths,
10:37:32 17 four-eighths, up to the full shot, and we can see how
10:37:36 18 the mold fills and how the stress distribution changes
10:37:41 19 in the part.

10:37:50 20 Q. Can you think of any other work at MRL, Inc.
10:37:53 21 that you did that involved injection molding separate
10:37:56 22 and apart from lawsuits?

10:37:58 23 A. Yes.

10:37:59 24 Q. Tell me about that.

10:38:01 25 A. I did some work for a company that involved the

10:38:04 1 fracture of toothbrushes.

10:38:13 2 Q. Did any of that work involve a common mold?

10:38:16 3 A. Yes.

10:38:19 4 Q. And can you describe what the work was that you

10:38:22 5 did regarding the fracture of toothbrushes.

10:38:25 6 A. We took a look at the fractured surface of the

10:38:30 7 head of the toothbrush using scanning electron

10:38:37 8 microscopy and energy dispersive analysis.

10:38:49 9 Q. Did you make any recommendations in that case?

10:38:51 10 A. Yes.

10:38:51 11 Q. And what were the recommendations?

10:38:53 12 A. To change the material.

10:39:00 13 Q. Was a common mold being used to manufacture the

10:39:02 14 toothbrushes at the time that the fracture was taking

10:39:05 15 place?

10:39:05 16 A. Yes.

10:39:06 17 Q. And was a common mold used afterwards?

10:39:13 18 A. To the best of my knowledge, yes.

10:39:27 19 Q. Did you ever consider whether the common mold

10:39:30 20 process being used in that situation infringed the '184

10:39:33 21 patent?

10:39:37 22 A. No.

10:39:39 23 Q. Do you have any opinion as to whether that

10:39:41 24 common mold process that was used for manufacturing

10:39:44 25 those toothbrushes infringed the '184 patent?

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10:39:49 1 A. Have I formed an opinion?

10:39:51 2 Q. Yes, sir.

10:39:51 3 A. No, sir.

10:39:53 4 Q. Do you have any -- do you have any information

10:39:57 5 as to whether the manufacture of those toothbrushes that

10:40:00 6 was done using a common mold has a license to the '184

10:40:03 7 patent?

10:40:04 8 MR. KALER: I'm going to object to you asking

10:40:06 9 him about a product that's not in front of him and he

10:40:09 10 says he hasn't studied with regard to the '184 patent.

10:40:14 11 THE WITNESS: Could you repeat the question,

10:40:15 12 please.

10:40:16 13 BY MR. KUDLAC:

10:40:17 14 Q. Sure. Do you have any information as to

10:40:19 15 whether the company that was manufacturing those

10:40:20 16 toothbrushes has a license to the '184 patent?

10:40:23 17 A. No, sir.

10:40:27 18 Q. In addition to the clothes hangers and

10:40:40 19 toothbrushes that you just referred to, can you recall

10:40:41 20 any other work for MRL, Inc., involving injection

10:40:43 21 molding --

10:40:43 22 A. Yes.

10:40:43 23 Q. -- separate and apart from lawsuits?

10:40:45 24 A. Yes. This is a sort of tricky area, and --

10:41:06 25 like, the questions come up, Does this involve a

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10:41:11 1 lawsuit, and the answer we gave was no, because the suit
10:41:14 2 hasn't been filed.

10:41:17 3 Do you mean was there a potential for a
10:41:18 4 lawsuit, or had a lawsuit actually been filed?

10:41:22 5 Q. Let me clarify for you.

10:41:24 6 A. All right.

10:41:24 7 Q. I recognize there can be some concern there.

10:41:26 8 What I'm looking for when I use "separate and
10:41:29 9 apart from lawsuits," I'm looking for work that you did
10:41:32 10 that did not involve trying to determine whether
10:41:35 11 something infringed, or work involved in a lawsuit.

10:41:40 12 What I'm looking for is work that you were
10:41:42 13 doing that didn't or wouldn't -- wasn't destined to be
10:41:45 14 part of a lawsuit; where you were doing consulting,
10:41:48 15 trying to fix a problem, trying to diagnose a problem,
10:41:53 16 something along those lines.

10:41:54 17 A. Yes.

10:41:55 18 Q. So other than the clothes hanger and the
10:41:58 19 toothbrushes, what other injection molding work for MRL,
10:42:01 20 Inc., can you think of?

10:42:03 21 A. We took a look at fittings that were made for
10:42:11 22 plastic plumbing.

10:42:12 23 Q. Anything else?

10:42:14 24 A. I'd have to go back and look at my records.

10:42:18 25 Q. Okay. In your CV there are several papers that

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10:42:34 1 refer to something called the Annual Technical
10:42:38 2 Conference, ANTEC, A-N-T-E-C, of the Society of Plastics
10:42:47 3 Engineers.

10:42:48 4 A. Is there a question?

10:42:49 5 Q. I was -- I'm getting to the question.

10:42:51 6 A. Okay.

10:42:51 7 Q. So let me start again.

10:42:53 8 In your CV, there's a reference in a couple of
10:42:55 9 the papers that you list there to the Annual Technical
10:42:58 10 Conference, ANTEC, of the Society of Plastics Engineers.

10:43:02 11 Can you describe for me what this Annual
10:43:04 12 Technical Conference is.

10:43:10 13 A. Yes. The name is pretty self-explanatory:
10:43:14 14 It's the national meeting for the Society of Plastics
10:43:20 15 Engineers which is held once a year.

10:43:23 16 Q. Is that something that you went to?

10:43:24 17 A. I've been to a number of them.

10:43:26 18 Q. And have you presented speeches or papers at
10:43:29 19 those?

10:43:30 20 A. Yes.

10:43:31 21 Q. Is that a -- is that annual technical
10:43:34 22 conference a big event for the Society of Plastics
10:43:38 23 Engineers?

10:43:41 24 A. For the Society of Plastics Engineers, it would
10:43:44 25 be the biggest event.

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10:44:17 1 MR. KUDLAC: Would you mind if we took about a
10:44:18 2 10-minute break?

10:44:20 3 THE WITNESS: That's fine.

10:44:22 4 THE VIDEO OPERATOR: Off the record at 10:44.

10:44:24 5 (Recess from 10:44 a.m. to 10:59 a.m.)

10:59:52 6 THE VIDEO OPERATOR: Back on the record at
10:59:53 7 10:59.

10:59:56 8 BY MR. KUDLAC:

10:59:59 9 Q. Dr. Petrie, can you tell me how many different
11:00:02 10 cases -- that is, lawsuits that have actually been
11:00:07 11 filed -- you've worked on that relate to or involve
11:00:10 12 either the inventor in this case, Ole Sorensen, or
11:00:17 13 patents that are owned or assigned to the Sorensen
11:00:21 14 Trust?

11:00:26 15 A. No, I can't give you an exact number on that.

11:00:30 16 Q. Can you remember any of the cases that have
11:00:31 17 involved either the same inventor, Ole Sorensen, or the
11:00:35 18 Sorensen Trust, or patents that he was an inventor on?

11:00:39 19 A. Well, there's the automobile taillight cases,
11:00:46 20 you know, which -- you know, you refreshed my memory
11:00:49 21 with Federal Mogul and Daimler, and there was a Fuji
11:01:03 22 case that I just remembered -- excuse me -- and there's
11:01:21 23 this case, and -- you know, I would have to go back and
11:01:27 24 look at my records.

11:01:29 25 Q. Do you think that there are more than 10 cases

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11:01:34 1 in that list?

11:01:37 2 A. Because the auto taillight case was very
11:01:40 3 complex, there were a lot of defendants, there may have
11:01:44 4 been, but I'm not sure of the exact number.

11:01:51 5 Q. Can you give me an estimate about how much time
11:01:54 6 you've spent in the last year working on cases of this
11:01:59 7 kind.

11:02:02 8 MR. KALER: Objection. Ambiguous as to "of
11:02:04 9 this kind."

11:02:06 10 MR. KUDLAC: Let me rephrase that.

11:02:08 11 Q. Can you give me an estimate as to how much time
11:02:10 12 you spent over the last year working on cases involving
11:02:14 13 either the Sorensen Trust or the inventor -- patents
11:02:18 14 assigned to or invented by Ole Sorensen?

11:02:22 15 A. In the past year?

11:02:24 16 Q. Yes.

11:02:25 17 A. It's -- I can't give you a number, but it would
11:02:28 18 be very small.

11:02:40 19 Q. In the two years before that, can you give me
11:02:42 20 an estimate of how much time you spent on those kinds of
11:02:45 21 cases that I referred to?

11:02:47 22 A. Not really.

11:02:52 23 Q. Is it something more than very small?

11:02:58 24 A. I don't keep track of, like, billable hours, so
11:03:02 25 I really don't know.

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11:03:05 1 Q. Can you give me an estimate of how much you've
11:03:08 2 been compensated for your work on the cases relating to
11:03:12 3 Ole Sorensen as an inventor and patents invented by him,
11:03:16 4 or cases brought by Sorensen, or the Sorensen Trust, or
11:03:24 5 Turn-Key?

11:03:25 6 A. The question's a little bit ambiguous.
11:03:26 7 Are you talking about the total amount of
11:03:26 8 compensation, or the rate of compensation?

11:03:29 9 Q. First, the total amount of compensation.

11:03:31 10 A. I have no idea.

11:03:33 11 Q. Do you know if it's more than \$100,000?

11:03:37 12 A. In the past two years?

11:03:39 13 Q. Yes, sir.

11:03:46 14 A. Is the question do I know it's more than
11:03:48 15 \$100,000?

11:03:50 16 Q. Is it more than 100,000?

11:03:53 17 A. No.

11:03:54 18 Q. What is the rate of compensation?

11:03:56 19 A. \$200 per hour.

11:04:15 20 Q. When were you first contacted about this case?

11:04:23 21 MR. KALER: And by "this case," you mean
11:04:27 22 Sorensen versus Lexar, I take it.

11:04:29 23 MR. KUDLAC: I'll rephrase the question to make
11:04:31 24 it clear.

11:04:32 25 Q. When were you first contacted about performing

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11:04:35 1 any work on the Sorensen versus Lexar Media case?

11:04:40 2 A. Maybe -- again, estimating -- possibly a month

11:04:44 3 ago.

11:04:52 4 Q. And, as you understand it, what is the scope of

11:04:55 5 your engagement on this case?

11:04:59 6 A. I'm working as a consultant.

11:05:05 7 Q. To do what?

11:05:07 8 A. To examine the Lexar product and to examine the

11:05:17 9 patent and to proffer an opinion.

11:05:29 10 Q. And to proffer an opinion on what?

11:05:32 11 A. On whether or not I believe the product

11:05:39 12 infringes on the patent.

11:05:51 13 Q. I believe that there were some materials

11:05:54 14 brought that are what you looked at or what you relied

11:05:57 15 on in forming your opinion, that were brought to the

11:06:00 16 deposition.

11:06:02 17 Is that right?

11:06:02 18 A. Yes.

11:06:03 19 Q. Could we go through and identify those --

11:06:05 20 A. Yes.

11:06:06 21 Q. -- for the record now?

11:06:09 22 And since some of them are physical things, I

11:06:12 23 may ask you to -- or figure out a way we can get them to

11:06:17 24 be shown on the video camera.

11:06:20 25 We won't mark them with an exhibit because they

11:06:22 1 are things that will stay in the custody of the
11:06:24 2 plaintiff in this case, but just so that we have a --
11:06:29 3 some record of them, so we may need some help from the
11:06:37 4 videographer to get these --
11:06:40 5 A. Are these in focus?
11:06:42 6 MR. KALER: You need to put those like on a
11:06:44 7 white sheet to give it some background.
11:06:46 8 MR. KUDLAC: Yes, thank you. I was just going
11:06:48 9 to suggest that.
11:07:51 10 THE WITNESS: Uh-oh. Do you see what happened
11:07:55 11 to the ring?
11:07:57 12 MR. KALER: What ring?
11:08:00 13 THE WITNESS: The ring that goes on there so
11:08:03 14 you can hook it up to something so you don't lose it.
11:08:07 15 MR. KALER: The key fob ring?
11:08:09 16 THE WITNESS: Yes. Actually, it's a cotter
11:08:12 17 ring, but -- is it in there?
11:08:14 18 MR. KALER: I don't see that, no.
11:08:19 19 BY MR. KUDLAC:
11:08:19 20 Q. Could it have slipped into the -- that?
11:08:23 21 A. It may have.
11:08:28 22 No. Empty.
11:08:34 23 Q. I see it. It's in the end of the cap.
11:08:37 24 A. Oh, it's in the end of the cap.
11:08:40 25 No --

11:08:42 1 Q. Flip it over. See?

11:08:45 2 A. Oh, it is stuffed in there. Very good.

11:08:48 3 Q. Well, every now and then.

11:08:50 4 A. That is good. Very observant. There we go.

11:08:53 5 Now we have it in its entirety.

11:09:20 6 Q. All right. And then also you had two other

11:09:23 7 things that you had with those, the two drawings that

11:09:26 8 you have in your --

11:09:28 9 A. Those weren't the product that I examined.

11:09:30 10 Q. But did you examine the drawings that you

11:09:33 11 had --

11:09:34 12 A. Yes.

11:09:34 13 Q. And that was something that you relied on in

11:09:37 14 forming your opinion that was in your declaration?

11:09:41 15 A. Yes.

11:09:41 16 Q. Okay. So, if you wouldn't mind, would you hold

11:09:46 17 those up just so we can get them -- just so we can

11:09:50 18 identify them.

11:09:51 19 MR. KALER: Those are large and small copies of

11:09:53 20 the same drawing.

11:09:56 21 THE WITNESS: Right. So this is the small one.

11:09:59 22 BY MR. KUDLAC:

11:09:59 23 Q. We don't need to see the large one if they are

11:10:03 24 the same thing. I will take counsel's representation

11:10:06 25 they are the same thing.

11:10:07 1 Counsel, when you get a chance, can we have a
11:10:10 2 copy of --
11:10:11 3 MR. KALER: Absolutely.
11:10:11 4 MR. KUDLAC: Thank you very much.
11:10:11 5 MR. KALER: Would you like a large or small
11:10:13 6 copy?
11:10:14 7 MR. KUDLAC: Maybe one of each. Maybe at the
11:10:16 8 next break we could get a copy of the small one and we
11:10:19 9 can mark that and just put it in the record, if that
11:10:20 10 would be okay with you.
11:10:22 11 MR. KALER: That would be fine.
11:10:25 12 BY MR. KUDLAC:
11:10:25 13 Q. So what -- if you wouldn't mind, could we go
11:10:28 14 through these, just to identify what they are for the
11:10:30 15 record, and we can start with just the paper items to
11:10:34 16 get those out of the way.
11:10:36 17 The first being on your right-hand side closest
11:10:40 18 to you, the thing called --
11:10:44 19 A. Well, I mean, to start with, the product -- I
11:10:48 20 think the first thing would be this case that it was
11:10:51 21 bought in --
11:10:51 22 Q. Okay.
11:10:52 23 A. -- plastic case. And I've worked on these
11:10:57 24 products for companies and, you know, people say, Why do
11:11:04 25 they make the case so big?

11:11:05 1 It's so you can't put it in your pants pocket
11:11:09 2 and steal the thing, so this would be a non-pilferable
11:11:13 3 item.

11:11:14 4 So then they have this piece of plastic-coated
11:11:18 5 material, and this is a 128-megabyte jump drive, and
11:11:24 6 basically it's a USB storage device with data
11:11:30 7 protection.

11:11:31 8 Q. Okay.

11:11:32 9 A. So this is the sort of boilerplate that
11:11:39 10 explains the thing.

11:11:40 11 Then they have a User's Guide, which really has
11:11:50 12 nothing to do with the matter at hand; and then there's
11:11:51 13 this description of it, you know, which --

11:11:54 14 Q. This one says, "JumpDrive Secure Quick Start
11:11:59 15 Guide"?

11:12:00 16 A. Yes. And I didn't start this so it's not
11:12:02 17 really germane.

11:12:05 18 Q. Fair enough.

11:12:06 19 A. Then we have the electronics, the guts of it,
11:12:11 20 and this is right directly in front of my index finger,
11:12:14 21 and this contains the storage device and the -- I'd call
11:12:20 22 it microcircuitry that goes with it.

11:12:23 23 The front part up here, nearest my index
11:12:27 24 finger, is a USB-2 plug that goes into the -- in my
11:12:36 25 case, the CRT with my computer.